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Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 68/150

Summary

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submits the present report pursuant to General Assembly resolution 68/150 on combating glorification of Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. In that resolution, the General Assembly requested the Special Rapporteur to prepare for submission to the Human Rights Council, at its twenty-sixth session, a report on the implementation of the resolution based on the views of Governments and non-governmental organizations.

In the light of the information received, the present report addresses the latest developments identified by the Special Rapporteur with regard to the human rights and democratic challenges that extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements, continue to pose.

The Special Rapporteur examines the main areas of concern where further efforts and constant vigilance are required, including with regard to the protection of vulnerable groups of individuals against racist and xenophobic crimes and the protection and consolidation of democracy and human rights in general. He also identifies good practices developed by States and various stakeholders.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 68/150, in which the Assembly requests the Special Rapporteur to prepare, for submission to the Human Rights Council, at its twenty-sixth session, a report on the implementation of the resolution on combating glorification of Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, based on the views of Governments and non-governmental organizations (para. 37).

2. In paragraph 35 of General Assembly resolution 68/150, the Assembly recalls the request of the Commission on Human Rights, in its resolution 2005/5, that the Special Rapporteur continue to reflect on the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and racial intolerance, make relevant recommendations in his future reports and seek and take into account in that regard the views of Governments and non-governmental organizations. Furthermore, in accordance with paragraph 37 of General Assembly resolution 68/150, a similar report will be submitted to the General Assembly at its sixty-ninth session.

3. In section II of the present report, the Special Rapporteur addresses the human rights and democratic challenges posed by extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements, in the context of the current economic crisis. In section III, he examines cyberracism and hate propaganda disseminated in social media by extremist political parties, movements and groups. Section IV concerns extremism in sports. Section V is dedicated to countering Holocaust denial and the distortion of History. The Special Rapporteur identifies good practices developed by States and different stakeholders in chapter VI, and chapter VII contains his conclusions and recommendations.

II. Extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements, particularly in the context of the current economic crisis

4. In the present section, the Special Rapporteur focuses on information received relating to the existence of extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements. The challenges posed concern (a) the protection and consolidation of human rights in a democratic context; (b) the persistence of persecution, racial violence and xenophobic crimes against vulnerable groups; and (c) the protection of victims and the prevention of racist and xenophobic crimes against vulnerable groups.

A. Protecting and consolidating human rights in a democratic context

5. In 2001, during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban and in the Durban Declaration and Programme of Action which followed, States recognized that political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination were incompatible with democracy and accountable governance.

6. Reports received show that extremist political parties, movements and groups have gained influence in a number of countries and regions. Indeed, according to information received, in recent years the number of seats occupied by representatives of extremist and populist political parties has continued to increase, especially in local and regional parliaments. Similar trends of particular concern were also reported at the regional and municipal levels, where a number of far-right political parties managed to obtain seats during local parliamentary elections, especially throughout Europe.

7. An important challenge in countering racism is the sometimes equivocal position taken by mainstream political parties. The Special Rapporteur is concerned about information received indicating that, in some countries, traditional political parties continue to form coalitions with extremist political parties. The Special Rapporteur recalls that it is crucial that democratic political parties base their programmes and activities on respect for human rights and freedoms, democracy and the rule of law and condemn any political message aimed at fuelling racist, xenophobic, discriminatory or intolerant ideas. It is imperative that political leaders avoid playing the game of populism in order to gain votes and support, and take all the necessary measures to deal adequately with social and economic issues, particularly in the current period of economic crisis, and the discontent and mistrust of traditional political parties sometimes manifested by voters.

8. Furthermore, the Special Rapporteur received reports indicating that rhetoric disseminated by extremist political parties blaming migrants for political, economic and social problems continues to be popular. He emphasizes that it is important that a strong stance be taken by traditional political parties and their leaders against expressions of racism, xenophobia and related intolerance when they originate in their own ranks.

B. The persistence of persecution, racial violence and xenophobic crimes against vulnerable groups

9. In the current period of continued economic crisis and uncertainty, non-citizens, members of minorities, migrants, refugees and asylum seekers are still the main scapegoats of extremist political parties that have a xenophobic and racist agenda, which blame them for the social problems of the population and sometimes incite intolerance and violence against them.

10. Indeed, an increase in incidents involving racist violence perpetrated by extremist movements and groups, including neo-Nazis, skinheads and other right-wing movements, was reported in some countries, particularly in Eastern and Southern Europe. In that regard, the Special Rapporteur is concerned about reported cases of violence and harassment perpetrated by neo-Nazis and skinheads against individuals of African descent. He is also concerned by information indicating that Roma have been the target of intolerance and blamed for criminality by mainstream political parties and Governments in Europe and continue to be at a high risk of racist and xenophobic violence by individuals or groups with close ties to extremist political parties, movements and groups. Cases of attacks by skinheads against groups of Roma leading to injuries were also reported in Southern and Eastern Europe. Similarly, far-right groups have targeted houses and settlements inhabited by Roma. Furthermore, according to information received, threatening fascist messages and swastikas have been frequently tagged on Roma houses or near their settlements. Also of particular concern are reports indicating that in some countries, Muslims, Jews, gays and lesbians have been physically targeted by those same individuals or groups linked to extremist political parties, movements or groups.

11. The Special Rapporteur received reports about incidents against migrants and foreigners committed by individuals closely linked to far-right nationalist parties, including arson attacks on housing where immigrants live and places of worship, cases of beatings and stabbings of migrants and asylum seekers in the street, and racist demonstrations in areas frequented by migrants and asylum seekers which have led to them being injured and harassed. It was reported, for instance, that several marches against irregular migrants were organized in Eastern Europe by individuals belonging to far-right groups, and were followed by violent attacks against migrants. Other foreigners, including students, have also been targeted. In that regard, it was reported that raids have been organized by far-right groups on dormitories where a number of foreign students were living. It was also reported that, in some cases, vigilante groups comprising members of extremist political parties together with local residents have been patrolling certain areas and intimidating, threatening and attacking migrants.

12. The Special Rapporteur is concerned that in some instances, activities carried out by individuals linked to extremist groups or movements, including the distribution of leaflets and posters propagating hatred against migrants, have contributed to increased hostility against foreigners and migrants among the local population. It is important for the States concerned to take the necessary measures to ensure that the perpetrators of racially motivated acts are held responsible and brought to justice. States must also pay due attention to the victims of such crimes by providing them with effective means to make complaints and access to effective remedies through the justice system.

13. In addition, it was reported that in some countries, anti-immigrant border vigilante groups have attacked, harassed and sometimes killed individuals they perceived to be irregular migrants. In that connection, the Special Rapporteur warns States about the adoption and implementation of policy and legislative measures targeting migrants, especially irregular migrants, which may contribute to exacerbating xenophobic violence and hostility against them.

14. The Special Rapporteur is concerned that individuals in vigilante groups also target persons on the basis of their sexual orientation. He was informed about attacks by individuals linked to extreme right and neo-Nazi groups who had beaten homosexual men and lesbian women during or after public demonstrations calling for the recognition of lesbian, gay, bisexual, and transgender (LGBT) rights. It was also reported that extreme right and neo-Nazi groups have filmed attacks on gay men they had kidnapped, beaten and humiliated, then posted the clips on social networks and encouraged others to imitate those acts. The Special Rapporteur draws the attention of States and relevant authorities to prejudice and behaviour that tends to stigmatize and place individuals in a single category, whether racial or sexual, and calls for better protection for the LGBT community against extremist groups and discrimination.

15. The Special Rapporteur recalls that the identity of each individual is made up of a multitude of components, including race and ethnicity, gender, age, nationality, profession, sexual orientation, political opinion, religious affiliation and social origin. It is essential that appropriate measures be taken by States to address the multiple and often interlinked forms of discrimination faced by individuals on the basis of their race, colour, descent, national or ethnic origin and sexual orientation. The Special Rapporteur calls for further tolerance, mutual understanding and respect for all, without prejudice, stereotyping or discrimination of any kind.

C. Ensuring better protection of victims and preventing racist and xenophobic crimes against vulnerable groups

16. Reports received indicate that acts motivated by racism, xenophobia and related intolerance that are perpetrated by persons belonging or linked to extremist political parties, movements and groups are not always prosecuted or adequately sanctioned. Cases of law enforcement agents refusing to record or investigate acts of racial violence perpetrated by individuals linked to extremist movements, groups or political parties were also reported. Yet without investigation and prosecution, the rights of the victims to seek justice, including access to effective remedies and reparation, are hampered. Some reports indicate that in some instances, police officers did not intervene to stop harassment, verbal abuse and violent attacks, particularly those targeting members of minorities, including Roma. Similarly, the Special Rapporteur notes with concern that racist crimes committed by individuals linked to extremist groups are sometimes sanctioned by particularly light sentences within the justice system.

17. The Special Rapporteur was also informed of cases of extremism in police forces. In certain countries, some members of the police openly propagate extreme right, nationalist and xenophobic ideas and discourse in their official capacity as guardians of the public order and civil servants of the State. He is also concerned by allegations that such police officers are also reluctant to intervene and receive complaints from victims of racist and xenophobic crimes. That situation further reinforces the vicious cycle of impunity for the extremist and vigilante groups that are responsible for such crimes. Furthermore, it strengthens the legitimate fear of the victims, who are even more reluctant to report racist or xenophobic acts, especially if they are in an undocumented situation.

18. The Special Rapporteur urges States to duly prosecute and sanction those responsible for racist and xenophobic violence, while taking into account the rights and interests of the victims. It is important to ensure that mandatory training on human rights, including on how to address racially motivated crimes committed by individuals linked to extremist political parties, movements and groups, is undertaken by law enforcement agents, including police officers, immigration and detention agents and other civil servants.

19. The lack of reporting and the absence of reliable data remains a significant obstacle to effectively addressing crimes motivated by racism, xenophobia and related intolerance that are perpetrated by individuals closely linked to extremist political parties, movements and groups. Information received indicates that victims do not report incidents for several reasons, including fear of the police, lack of trust in the criminal justice system and in public institutions in general, fear of reprisals, language barriers and ignorance of their rights.

20. The collection of accurate and up-to-date ethnically disaggregated data on racist and xenophobic crimes is therefore important, since it may help inform policy decisions on combating such crimes. The Special Rapporteur is concerned about the continued underreporting of racist crimes as it distorts statistics and data, and may as a result create the impression that crimes motivated by racism, xenophobia and related intolerance are less prevalent than they actually are. The Special Rapporteur encourages States that have not yet developed a system to collect ethnically disaggregated data to do so. He also reiterates the importance of collecting accurate statistics and disaggregated data on racist, xenophobic and homophobic crimes. He encourages States and civil society to establish detailed systems for recording, reporting and monitoring all such incidents and to encourage victims to report them.

21. The Special Rapporteur is concerned about the impact of racist and xenophobic ideas and values on some of the most vulnerable groups in society who have been most affected by the current financial and economic crisis. Young people and impoverished citizens who are experiencing unemployment and cuts in social services often do not see any opportunity for improvement in life choices in the regions and countries hardest hit by the crisis, especially in Eastern and Southern Europe. Extremist ideologies grow easily in such a fertile climate of discontent.

22. The Special Rapporteur recalls the importance of education in order to counter the dissemination of ideas based on racial superiority or hatred and to promote the values of equality, non-discrimination, diversity, democracy and respect for all, as detailed in his 2013 report to the Human Rights Council (A/HRC/23/56). The State has an inherent role and responsibility in that area, but the position of parents and families in fostering a culture of tolerance and respect is also fundamental.

23. The Special Rapporteur expresses his concern at the rise in some countries of xenophobic and right-wing tendencies among young people and at the reported growth in outreach activities by extremist organizations using the Internet and social media to disseminate their propaganda, specifically among young people. That is a major concern as young people are particularly vulnerable to extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements.

24. The Special Rapporteur welcomes information provided about campaigns launched in schools by the State as well as civil society organizations to raise awareness about neo-Nazi ideology. He emphasizes that human rights education is a key tool in countering the rise of extremist political parties, movements and groups among the younger generation, and in building a society based on pluralism, tolerance, and respect for cultural diversity, multiculturalism and non-discrimination. Furthermore, it is equally essential to raise awareness among parents and teachers, as young people are influenced by ideas at home and at school.

III. Cyberracism and hate propaganda disseminated in social media by extremist political parties, movements and groups

25. With the rapid development of new technologies, the Internet and social media have been used as instruments for the dissemination of ideas, including the dissemination of racist ideas and hate speech under the supposed anonymity provided by online forums. The Special Rapporteur is concerned that some extremist groups may have moved their activities to the Internet and social media networks to spread their ideas and propaganda with relative impunity. Civil society organizations also provided information about the increased use of the Internet by individuals and groups closely linked to extremist movements. In that regard, the Special Rapporteur would like to express his concern about the increased use of the Internet to propagate racism, xenophobia, racial discrimination and related intolerance.

26. Reports received confirm that extremist political parties, movements and groups are still actively present on the Internet and social media networks, including through material published on their websites or those of sympathetic organizations which promote and incite racial discrimination and violence. Furthermore, the Internet and social media not only remain important channels for extremist movements and groups to spread hate speech and incite racial violence and abuse against specific groups of individuals, but they use them as a means of expanding their networks of individuals and groups worldwide. It was also

reported that the Internet is used by a number of extremist movements and groups, especially far right-wing movements, as the perfect recruitment platform for potential new members, as it enables easy invitations to various online events and meetings without distance constraints.

27. The Special Rapporteur reiterates that the Internet and social media can also be useful tools for preventing the spread of racist ideologies by extremist political parties, groups and movements. In that connection, he welcomes the fact that the mainstream media in some countries have started to recognize the cultural value of diversity and to promote the idea of improving the living and working conditions of members of minorities. He welcomes information received about projects set up at the national level by civil society groups with the support of public authorities, including the creation of social network-based platforms targeting young people and aiming specifically at countering extremism, xenophobia and other forms of intolerance and fostering a democratic culture.

28. In that regard, the Special Rapporteur has addressed the issue of racism and hate speech on the Internet and social media previously, in his 2012 report to the General Assembly (A/67/326), and does so again in his thematic report to current session of the Human Rights Council (A/HRC/28/49).

IV. Preventing and countering racism and extremism in sport

29. The Special Rapporteur recalls that there is no place for racism and intolerance in sport. Sport is meant to foster social cohesion, bring different cultures together in a celebration of healthy competition, and overcome the diffidence and contempt that all too often divide countries and communities in the political and social arenas. Racism in sport, manifested by both fans and competitors, is an ongoing concern for the Special Rapporteur.

30. Unfortunately, information has been received about the presence of extremist groups, including neo-Nazis and skinhead groups in sports, particularly football and some other sports. In that regard, the Special Rapporteur is concerned about reported cases of racist symbols and banners displayed during football matches, as well as the shouting of racist slogans and the making of racist gestures on those occasions, often directed at players or supporters of African descent.

31. Such incidents are particularly damaging given the important role that professional athletes play in inspiring young people. The Special Rapporteur recalls that States are bound to comply with the provisions of international human rights law vis-à-vis sporting events. Decades after the adoption of the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, athletes and their supporters, like all other individuals, have the right to a secure environment devoid of racism and prejudice.

32. The Special Rapporteur calls on States and all relevant authorities, including sports federations, to deal with the presence of extremist groups, including neo-Nazis, skinhead groups, as well as hooligans at sports events, including football matches. Indeed, in the light of major sports events, such as the 2014 International Federation of Association Football (FIFA) World Cup or the XXII Olympic Winter Games, it is crucial that preventive measures be taken to avoid acts of racial violence, xenophobia, abuse and incitement to racial hatred by extremist individuals or groups.

33. The Special Rapporteur encourages national and international sports organizations and federations to develop and implement codes of conduct that address the issue of extremist ideologies and intolerance among supporters. In addition, sporting events could be used as an opportunity for host States to further promote human rights, democracy and the rule of law, and to address human rights and the democratic challenges posed by extremist political parties, movements and groups.

34. Referring to one of the fundamental principles of Olympism, that every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play, the Human Rights Council, in its Resolution 13/27, urged States and the relevant international and regional organizations "to intensify the fight against racism in sport".[1] In that context, the Special Rapporteur reiterates the call to sporting authorities and corporate sponsors and recalls their responsibility to anticipate and combat racism in sports in a decisive and exemplary manner.

V. Countering Holocaust denial and the distortion of History

35. Holocaust denial is an attempt to negate the established facts of the Nazi genocide of European Jews, Roma, gays and lesbians as well as political opponents. Key denial assertions include that the murder of approximately six million Jews during the Second World War never occurred, that the Nazis had no official policy or intention to exterminate the Jews, and that the extermination camps such as Auschwitz-Birkenau never existed.

36. The Special Rapporteur recalls that the Holocaust is one of the well-documented events in recent history. Holocaust denial and distortion are generally motivated by strong anti-Semitism, and build on the claim that the Holocaust was invented or exaggerated as part of a plot to advance Jewish interests. That view perpetuates long-standing anti-Semitic prejudices and stereotypes, accusing Jews of conspiracy and world domination and of hateful charges that were instrumental in laying the groundwork for the Holocaust.

37. The Special Rapporteur was informed that allegedly, in one European country, the funeral of a Waffen Schutzstaffel (SS) officer took place with full military honours and the participation of some representatives of the Government. In another country, a celebration marking a Nazi military victory was also reported. The Special Rapporteur believes that such events create dangerous precedents and go against human rights values of tolerance and mutual understanding. Such events are against universally recognized principles of international law and the spirit of the Charter of the United Nations and also contravene the provisions of several United Nations General Assembly resolutions on the issue.[2]

38. The Special Rapporteur is concerned about information received regarding a comedian and other public personalities in Western Europe who have promoted anti-Semitic views in public. The Special Rapporteur is of the opinion that the promotion of anti-Semitism and Holocaust denial should not benefit from claims for absolute protection of freedom of speech.

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[1] More recently, on 21 March 2013, Racism and sport was the focus of the International Day for the Elimination of Racial Discrimination. See www.ohchr.org/EN/NewsEvents/IDERD/Pages/EliminationRacialDiscrimination.aspx (accessed on 17 February 2014).

[2] See, for example, the following resolutions adopted by the General Assembly: 65/199, 66/143, 67/154 and 68/150.

39. The Special Rapporteur welcomes the initiative of some countries which have made a number of commitments to combat anti-Semitism through various measures, including legislation, effective law enforcement, education and strengthening civil society. Holocaust denial is explicitly considered a crime in several countries, including the Czech Republic, France, Germany, Hungary, Israel, Lithuania, Luxembourg, Poland and Romania. The Special Rapporteur emphasizes the importance of criminalizing the approval, denial or belittlement of the Holocaust in national law, given that such denial could potentially promote racist ideologies and hence constitute hate speech under article 4 (a) of the International Convention on the Elimination of All Forms of Racial Discrimination.

40. The Special Rapporteur notes that, although many countries commemorate the Holocaust on a special day, manifestations of anti-Semitism, including conspiracy theories involving Jews and Holocaust denial persist in societies across Europe. In the light of worrying manifestations of Holocaust denial and trivialization in many different countries, the Special Rapporteur recalls that education is one of the most effective ways of countering such manifestations, and recommends that States ensure that education about the Holocaust is included on school curricula.

41. The Holocaust is a powerful reminder of the need to protect, promote and defend human rights. The Special Rapporteur recalls that by promoting Holocaust remembrance, Governments can also speak out against contemporary manifestations of racism, anti-Semitism and other related intolerance.

VI. Good practices developed to counter extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements

42. In the present section, the Special Rapporteur discusses some of the practices developed by States and other stakeholders to counter extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements.

43. The Special Rapporteur welcomes the legislative developments at the domestic level in different countries. A growing number of States have either enacted specific laws or included in their general Criminal or Penal Codes provisions on aggravating circumstances for offences committed on the grounds of persecution or hatred based on gender, race, nationality or religion, sexual orientation, migration status, or for the purpose of completely or partially annihilating a national, ethnic, racial or religious group or individual. Similarly, a number of States have included provisions in their migration and refugee statutes that reaffirm the principle of non-discrimination and mandate the specific institutions in charge of those issues to take all measures necessary to prevent discrimination against migrants and refugees. Furthermore, a growing number of States prohibit racial discrimination, xenophobia and homophobia in their Constitutions and in specific laws.

44. Moreover, a growing number of States have incorporated the International Convention on the Elimination of All Forms of Racial Discrimination into their national legislation, and have recognized the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups claiming to be victims of a violation by the State of any of the rights set forth in the Convention.

45. The Special Rapporteur notes with satisfaction the adoption of national action plans and policies to combat racism and racial discrimination and to promote the social integration of individuals belonging to minorities. Cooperation with relevant international and regional human rights mechanisms and with civil society is also important. In that respect, the Special Rapporteur appreciates the engagement of States with international and regional human rights mechanisms, including the Committee on the Elimination of Racial Discrimination and the special procedures of the United Nations Human Rights Council.

46. The Special Rapporteur notes with interest that some States and national human rights institutions have developed data collection systems on hate crimes, including crimes committed against individuals on the grounds of race, colour, ethnicity, origin or minority status, citizenship, language, religion, disability, sexual orientation, gender or transgender status. It was also reported that some States collect data specifically on racist crimes committed by members of extremist groups. The Special Rapporteur also noted that, in the absence of official data in some States, non-governmental organizations play a key role in collecting statistical data on hate crimes. He welcomes those initiatives, which facilitate the assessment of the prevalence of such crimes and the impact of legislation.

47. Addressing the root causes of extremist political parties, movements and groups is crucial and education is a key means to address such a challenging phenomenon. The Special Rapporteur welcomes initiatives developed by civil society organizations, such as educational activities aimed at unmasking extremist ideologies in secondary schools and monitoring racially motivated incidents at sporting events. Those measures also appear to be among the positive steps taken by States in response to the rise of extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements. The Special Rapporteur notes with satisfaction that human rights education is of particular importance for a number of States. Other positive examples identified include the training of law enforcement agents. The Special Rapporteur notes in particular that, in some cases, compulsory human rights training sessions were developed for the judiciary and police and that specific units dealing with hate crimes and racism were also established, including within the Public Prosecutor's Office.

48. A number of good practices were also identified with respect to awareness-raising activities to foster tolerance and respect for cultural diversity and to strengthen intercultural dialogue. They include the organization of cultural events, art festivals of national minorities, exhibitions, concerts, forums and seminars, and the publication of books and brochures promoting cultural diversity. The Special Rapporteur encourages such initiatives, which offer a space for further intercultural dialogue and interaction. Other initiatives, such as information broadcasts on radio, television and the Internet aimed at promoting acceptance and tolerance among different ethnic groups, are also appreciated. Mainstream media in some countries have reportedly started to recognize the cultural benefits minorities bring and to promote the idea of improving living and working conditions for members of minorities.

VII. Conclusions and recommendations

49. **The Special Rapporteur appreciates the efforts made by States to counter extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements. While good practices have been identified, important challenges remain; they require greater efforts and increased vigilance. The rise in extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements, continues to**

pose major human rights and democratic challenges, especially regarding vulnerable groups and individual victims of racist and xenophobic crimes. In that regard, the Special Rapporteur is of the view that a comprehensive approach based on a solid legal framework also includes key policy measures including education and awareness-raising programmes which should be further developed and implemented.

50. As long as extremist political parties, movements and groups continue to exist, legally or illegally, they will remain a major challenge to democracy. In that regard, States should always bear in mind that preserving and consolidating the values of democracy is essential to effectively preventing and combating racism, racial discrimination, xenophobia and related intolerance. Political leaders and parties must therefore strongly condemn all messages disseminating ideas based on racial superiority or hatred, incitement to racial discrimination or xenophobia. Political leaders and parties should be aware of the moral authority they bear, promote tolerance and respect, and refrain from forming coalitions with extremist parties of a racist or xenophobic character. Respect for human rights and freedoms, democracy and the rule of law should always be the cornerstone of all their programmes and activities, bearing in mind the need to ensure that political and legal systems reflect the multicultural character of their societies. Political leaders and parties are therefore urged to promote diversity and multiculturalism, as well as tolerance, mutual understanding and respect.

51. The Special Rapporteur recommends that States adopt legislation that conforms to international human rights standards. He emphasizes that the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference and the Rabat Plan of Action constitute major comprehensive frameworks for action against racism, racial discrimination and xenophobia. He recalls that any advocacy of national, racial or religious hatred which constitutes incitement to discrimination, hostility or violence should be prohibited by law, as should the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence or incitement to such acts. In that regard, the Special Rapporteur calls upon all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to comply fully with their obligations enshrined in article 4 of the Convention.

52. In order to prevent and address in an effective manner the perpetration of racist or xenophobic crimes by individuals and groups of individuals closely linked to extremist political parties, movements and groups, States should also introduce into their criminal legislation provisions indicating that the commission of an offence with a racist, xenophobic, anti-Semitic or homophobic motivation or aim constitutes an aggravating circumstance resulting in heavier sanctions.

53. The Special Rapporteur urges States to ensure that victims of crimes motivated by racism or xenophobia have full access to effective legal remedies, including the right to seek just and adequate reparation for any damage suffered as a result of such crimes. The Special Rapporteur also recommends that States ensure that victims of racist or xenophobic crimes are provided with the necessary legal, medical and psychological assistance and are made aware of their rights and of existing judicial and non-judicial remedies. States should further engage with vulnerable groups or minorities who are at particular risk of racist or xenophobic crimes, reduce their fear, restore confidence in law enforcement officers and allow for better reporting of such crimes.

54. The Special Rapporteur recommends that States strengthen the capacity of law enforcement agents and members of the judiciary through mandatory human rights training with a focus on crimes motivated by racist or xenophobic attitudes. Law enforcement agents should be provided with the necessary instructions, procedures and resources to identify, investigate and register racist and xenophobic crimes. Echoing the words of his predecessor, the Special Rapporteur emphasizes that States should also ensure that law enforcement agents engage with vulnerable groups and minorities who are at particular risk of racist or xenophobic crimes, in order to reduce their fear, restore confidence in law enforcement officers and allow for better reporting of racist crimes.

55. It is of utmost importance that States ensure that the perpetrators of crimes motivated by racism or xenophobia are prosecuted and adequately sanctioned. Prompt, thorough and impartial investigations are crucial as a first step towards ensuring justice for victims and fighting impunity. In that regard, States have the responsibility to bring to justice the perpetrators of crimes motivated by racism or xenophobia and to fight against impunity for such crimes.

56. The Special Rapporteur recommends that law enforcement agencies and national human rights institutions collect statistics on racist and xenophobic crimes and ensure that their data collection systems identify the types of offences committed and the characteristics of the victims and perpetrators, including whether they are affiliated with an extremist political party, movement or group. Such statistics would allow for an accurate assessment of the effectiveness of measures taken to address racist crimes.

57. Efforts made by States to counter extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements should be enhanced through the replication of good practices. In that regard, it is important that the sharing of good practices increase among all relevant stakeholders. Indeed, as stated in the outcome document of the Durban Review Conference, a broad sharing of best practices in all regions of the world aimed at preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance can assist Governments, parliaments, the judiciary, social partners and civil society with the effective implementation of the provisions of the Durban Declaration and Programme of Action.

58. The Special Rapporteur would like to recall the importance of cooperating closely with civil society and international and regional human rights mechanisms to effectively counter extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements. National human rights institutions should develop appropriate programmes to promote tolerance of and respect for all, and should be encouraged to collect relevant information.

59. The Special Rapporteur recalls that education remains one of the most effective means of countering the negative influence that extremist political parties, movements and groups may have on young people. Reiterating the call in paragraph 136 of the Durban Programme of Action, he urges States to ensure that education and training, especially teacher training, promote respect for human rights and the fight against racism, racial discrimination, xenophobia and related intolerance, and that educational institutions implement policies and programmes on equal opportunities, anti-racism, gender equality and cultural, religious and other diversity, with the participation of teachers, parents and students.

60. The Special Rapporteur condemns any denial or attempt to deny the Holocaust and all manifestations of religious intolerance, incitement, harassment or violence against persons or communities based on ethnic origin or religious belief. He also calls for the active preservation of the Holocaust sites which served as Nazi death camps, concentration and forced labour camps and prisons. The Special Rapporteur further encourages States to take legislative, law enforcement and educational measures to put an end to Holocaust denial.

61. The Special Rapporteur notes with concern the increased use of the Internet by extremist political parties, movements and groups to proliferate, promote and disseminate racist content. In that context, the positive role that freedom of expression can play in promoting democracy and combating racist and xenophobic ideologies based on racial superiority should be stressed. Indeed, States should take all opportunities, including those provided by the Internet and social media, to counter the dissemination of ideas based on racial superiority or hatred and to promote the values of equality, non-discrimination, diversity and democracy.

62. The organization of cultural events, festivals, conferences, seminars, competitions, exhibitions, research work and publications, as well as information campaigns and other events aimed at providing a space for intercultural dialogue and interaction, are also positive initiatives which contribute to the building of a society based on pluralism, tolerance, respect for cultural diversity, multiculturalism and non-discrimination, and should be encouraged.

63. In the light of the sporting events taking place in 2014, including the XXII Olympic Winter Games and the FIFA World Cup, the Special Rapporteur calls on States to strengthen measures to prevent racist and xenophobic incidents at sporting events. He reiterates the key role of sport in promoting cultural diversity, tolerance and harmony and recommends that States take advantage of such events to promote the values of tolerance and respect. He further recalls paragraph 218 of the Durban Programme of Action, which urges States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations, to intensify the fight against racism in sport by educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity.

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Technical assistance and capacity-building

Report of the Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights*

Summary

The present report is submitted pursuant to Human Rights Council resolution 18/18, in which the Council invited the Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights to present a comprehensive report on the Board's work on an annual basis, starting from the twentieth session of the Council. It provides an update on the work of the Board of Trustees of the Fund since the previous report of the Chairperson of the Board (A/HRC/23/16).

* The annexes to the present report are circulated in the language of submission only.

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I. Introduction

A. Background

1. The United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, established by the Commission on Human Rights in its resolution 1987/83, receives voluntary contributions from Governments, organizations and individuals. The objective of the Fund is to provide financial support for international cooperation aimed at building up and strengthening national and regional institutions and infrastructures that will have long-term impact on improved implementation of international human rights standards.

2. The Board of Trustees has been operational since 1993 and its members are appointed by the Secretary-General for a three-year renewable term. The mandate of the Board is to assist the Secretary-General in streamlining and rationalizing the working methods and procedures of the technical cooperation programme. It meets twice a year and reports on its work to the Secretary-General and the Human Rights Council. Current members are Sozar Subari (Georgia), Fatima Mbaye (Mauritania), Mariclaire Acosta Urquidi (Mexico), Christopher Sidoti (Australia) and Lin Lim (Malaysia). Ms. Lim was appointed to the Board in January 2014, replacing Deepika Udagama (Sri Lanka), who ended her term on 31 December 2013. The Board elected Mr. Sidoti as chairperson from 30 April 2013 until 30 June 2014, when he will be replaced by Mariclaire Acosta Urquidi, who was elected chairperson by the Board at its thirty-ninth session, in Mexico City.

B. Mandate

3. Throughout the period under review, the Board of Trustees continued to advise the Office of the United Nations High Commissioner for Human Rights (OHCHR) on policy orientation and strategic vision on technical cooperation at a programme level. This refocused approach, which is framed within the broad definition of technical cooperation, was agreed upon by the Board of Trustees and presented to Member States in the annual report of the Secretary-General submitted to the Human Rights Council in 2011.[1]

4. The OHCHR planning process for the period 2014-2017 provided several opportunities for the Board Members to offer this advice to OHCHR by contributing to the definition of OHCHR thematic strategies. The Board members participated in the OHCHR regional consultations in Asia, the Americas, Europe and Central Asia, and Africa. They held discussions and provided advice on ways to strengthen the technical cooperation and advisory services programmes while pursuing the implementation of the Office's four-year programme.

5. In view of the relevance and complementarities of the Voluntary Fund for Technical Cooperation in the Field of Human Rights and the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review, the Secretary-General requested the Board of Trustees to oversee the both Funds. This decision was based on the importance of ensuring consistency in the operations of the Funds, given that both support States in fulfilling their international obligations by means of technical assistance and cooperation. During its thirty-eight session, in November 2013, the Board commenced its new functions with regard to the Voluntary Fund for Financial and

[1] A/HRC/16/66.

Technical Assistance in the Implementation of the Universal Periodic Review. OHCHR is tasked with submitting to the Human Rights Council an annual written update on the operations of the Fund (A/HRC/26/54).

6. The present report covers the thirty-eighth and thirty-ninth sessions of the Board in its capacity relating to the Voluntary Fund for Technical Cooperation in the Field of Human Rights. At those sessions, the Board continued to explore various components of the Human Rights Programme on Technical Cooperation funded by the that Fund, with a view to providing policy guidance and advice on the technical cooperation activities carried out by OHCHR.

II. Activities and results of the Voluntary Fund for Technical Cooperation in the Field of Human Rights and the Board of Trustees

A. Thirty-eighth session

7. The Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights held its thirty-eighth session in Geneva, from 11 to 14 November 2013. The session was chaired by Christopher Sidoti, who had been elected Chairperson of the Board of Trustees at its thirty-seventh session. All members of the Board attended the session.

8. The main objectives of the session were to take stock of and to contribute to the final stages of the preparation of the OHCHR Management Plan for the period 2014-2017, and to discuss with OHCHR geographic and thematic sections the relevant aspects of the technical cooperation programme pertinent to each of the thematic strategies; to familiarize the Board with the mechanisms in place through the OHCHR Performance Monitoring System to monitor and report on technical cooperation results under each of the thematic strategies, focus areas and type of field presences receiving support from the Fund during the programing cycle; to discuss efforts at the field level to continue to strengthen gender integration and women's rights focus in technical cooperation programmes; and to review the financial information and projected allocations for 2014 by the Fund. During the session, the Board received also an update on the main developments at the Human Rights Council in the area of technical cooperation.

9. The Board was briefed and discussed with the Universal Periodic Review Section the mechanisms in place and the ongoing projects under the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review. This was the first time since it assumed its new function with regard to this Fund that the Board had an opportunity to share views and receive direct briefings on regional and country experiences on the use of the Fund. The Board learned about the OHCHR approach to universal periodic review follow-up, as well as on the support provided to a number of States in all regions under the Fund in 2013. The Board stressed the importance of ensuring the sustainability of the impact of funded projects and the need to identify adequate avenues for the active engagement of civil society, in particular non-governmental organizations and national human rights institutions, in review follow-up efforts by States. The details of its activities overseeing the management of the Fund can be found in the annual OHCHR reports on the Fund.

10. Technical cooperation in the context of the strategic planning process for the period 2014-2017 was also the subject of discussion during the session. The Board members met with the OHCHR Policy, Planning, Monitoring and Evaluation Service, as well as with

each of the OHCHR thematic teams in charge of sharpening the focus of the Office on a set of critical human rights challenges for the new four-year programming cycle. Together, the Board and its interlocutors analysed the technical cooperation components of each of the Office's six thematic priorities. The Members of the Board, who had participated in various stages of the preparatory process, including through the series of regional consultations, expressed appreciation for the continued efforts of OHCHR to promote technical cooperation at the outset of its strategic planning and as an integral part of all its programmes.

11. The Board noted and endorsed in particular the significant progress made through this exercise in recognizing that strengthening democratic society is a long-lasting investment for development. It welcomed the new thematic strategy of "widening the democratic space" and its sharp focus on strengthening and building national human rights capacities as a critical means to the prevention of human rights violation and conflicts, which ultimately has been proved critical to sustainable economic development. It also endorsed the attention to national human rights institutions in both this new thematic priority and specifically addressed throughout all the priorities. It considered that this would certainly require vigorous impetus and support to the implementation of the programmes on the ground. The Board noted with appreciation the specific focus on some critical human rights issues and concerns where OHCHR had managed to develop substantive expertise over the past biennium, such as the particular situation of individuals and groups facing discrimination on the basis of their sexual orientation or gender identity, and the persons defending them. The Board was encouraged to observe that its contributions throughout the strategic planning process had been taken into account and served to support the finalization of the new management plan.

12. The Board was updated on the implementation of the programmes funded by the Voluntary Fund in the framework of the OHCHR management plan, and in particular on results at the end of the 2012-2013 biennium across all regions, as well as the partnerships on the ground with Governments, civil society and United Nations partners, including United Nations country teams.

13. The Board was briefed in particular by field presences on the actions taken at the field level to integrate women's rights and gender equality in technical cooperation programmes and activities. Teleconference discussions with the Regional Gender Advisers in the OHCHR Regional Office for Central America in Panama, the OHCHR Regional Office for the Middle East in Beirut and the OHCHR Regional Office for West Africa in Dakar showed how the gender dimensions of technical cooperation programmes at the field level could be adequately addressed and benefit from closer geographic and available regional expertise. The Board found particularly notable the regional expertise in the Americas in the area of gender-based killings (femicide), in particular the development of protocols for their investigation and the innovative ways of providing support to other field presences and States in the region to develop similar protocols, particularly those receiving support from the Voluntary Fund. The Board found equally encouraging the strategies in place by the Gender Adviser in Beirut in providing countries in the region and the United Nations country team with expertise in the area of women's participation and legal grounds for gender equality. Lastly, the Board welcomed the initiatives taken by the Regional Adviser in Dakar to advise Governments on nationality laws and issues with regard to women's political participation.

14. One of the challenges that the Board has traditionally observed while analysing technical cooperation programmes is ensuring synergies and cross-sharing experiences between the programmes and projects in the area of technical cooperation, receiving support from the various United Nation trust funds. During the session, the Board discussed and identified areas for collaboration with the work of other trust funds managed by the

Office, in particular the Special Fund established by the Optional Protocol to the Convention against Torture aimed at supporting financially implementation of recommendations by the Subcommittee on the Prevention of Torture.

15. The Board also met with the Deputy High Commissioner and briefed her on its latest visits to field presences and the role that the Board envisages vis-a-vis its new capacity as Board of Trustees for the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review.

B. Thirty-ninth session

16. The thirty-seventh session of the Board of Trustees was held in Mexico from 17 to 21 February 2014, pursuant to the Board's practice of holding one of its two meetings each year in countries where OHCHR has a field presence funded by the Voluntary Fund for Technical Cooperation in the Field of Human Rights. This was the third time that a session of the Board was organized outside Geneva.

17. In 2014, the Board has been keen to visit, for the first time, an OHCHR presence in Latin America, to witness first-hand the commonalities and differences in approach and to learn from the experience of the Office in the Americas. The Office in Mexico is fully funded by the Voluntary Fund. The main purpose of the visit, as in the case of previous sessions and visits to the field, was to continue to gather in situ observations of value-added areas and areas requiring strengthening for the Office as a whole in the design and implementation of its technical cooperation programmes.

18. The Board discussed technical cooperation activities by the OHCHR presence in Mexico during meetings with different national and State-level authorities, United Nations partners, the national human rights commission and civil society organizations in the country. This included visits to selected projects at the State level in Coahuila (Saltillo) and in Nuevo Leon (Monterrey) , where the Board received briefings on the specific situation of human rights to be addressed by the technical advice and services provided by OHCHR, in particular with State authorities, the judiciary and civil society organizations.

19. During the visit, the Board discussed the support provided in various areas, including technical and advisory services on the follow-up to recommendations from all human rights mechanisms and on the establishment of the Mechanism of Protection for Journalists and Human Rights Defenders with the Ministry of Foreign Affairs and the Ministry of the Interior. Particular focus was attached to the development of a human rights plan of action at the national level that could serve as an overarching tool to continue to guide efforts to develop the plans and strengthen existing ones when needed at the State level. The Board was able to understand the process of development of the plan of action for Nuevo Leon during its visit to Coahuila. With regard to institution-building efforts in the context of the Mechanism of Protection for Journalists and Human Rights Defenders, the Board was of the view that efforts should be constantly reassessed to ensure that the existence of the Mechanism was part of broader efforts to eradicate violence and human rights abuses and violations against human rights defenders and journalists and to address these issues effectively with a methodology that provides the expertise, practicality and continuity required for this aim.

20. The Board had an opportunity to discuss with Congress representatives the support from the Office on legislative developments regarding the landmark constitutional reform of 2011, which granted constitutional status to international human rights treaties, military jurisdiction, enforced disappearances, freedom of expression, and the withdrawing of reservations to main human rights instruments, among others. The Board also learned during the meeting with the President of the Supreme Court about the support given by the

Office in the development of indicators and the "Reforma DH" programme supporting better understanding among judges, lawyers and prosecutors of the implications of the constitutional reform of 2011. Concerns were also discussed regarding the *arraigo* figure being evoked as the basis in allegations of human rights violations and the importance of continuing to explore with the Office ways to overcome these challenges in full compliance with international standards.

21. In Mexico City, and in Saltillo and Monterrey as well, the Board discussed with civil society representatives efforts and technical support being received from the Office to strengthen capacities to address human rights concerns regarding the situation of human rights defenders, disappearances, violence against women and the rights of indigenous peoples, as well as the situation of migrants. With regard to assistance and support to victims, the Board stressed that the challenge was still to ensure that technical assistance supported current efforts to assist victims effectively while seeking justice and reparation.

22. The Board was also briefed on the various thematic priorities of the Office in Mexico during the programming cycle for the period 2014-2017. The Board found that OHCHR priorities were in line with what national stakeholders expected, and that the Office continued to be seen, more than 10 years since its establishment, as a critical and reliable partner for all partners interviewed. The Board considers that, while the relevance of the current programme is on track vis-à-vis the human rights context in the country, the Office would benefit from strengthening its efforts together with relevant State institutions at both the federal and State levels to continue to translate into concrete capacity-building actions the specific needs regarding the effective application of the principle of free, prior and informed consent in relation to land, natural resources and territories for indigenous peoples, and the situation of migrants and of victims of human rights violations in their access to justice and reparation, in particular for victims of enforced disappearance.

23. The Board is of the view that field visits continue to be strategically critical for its work and mandate. To date, the Board has managed to visit in-situ programmes by two types of field presences, namely, country or stand-alone offices and human rights advisers. It proposes to explore a visit to a human rights component of a peace mission as a priority for a field visit in 2015. As demonstrated recently in Mexico, in-country discussions are particularly helpful in identifying in concrete terms the priority areas for further technical cooperation work, challenges and best practices by the Office and for the Board to be able to fulfil its policy advisory role.

24. The Board took the opportunity of its last day in Mexico to hold an internal meeting to continue discussions on its future programme. During the meeting, the Board formally welcomed the new elected member, Lin Lim, to replace Deepika Udagama. Mariclaire Acosta Urquidi was elected the new chairperson of the Board, to succeed Mr. Sidoti from 1 July 2014.

III. Technical cooperation

A. Main findings, challenges identified and recommendations

25. Through the sessions in Geneva, the visits to the OHCHR field presences and the active engagement of the Board members in the strategic planning exercise for the programming cycle 2014-2017, the Board has gathered a broad overview of the technical cooperation programme of the Office and has continued to ensure that the High Commissioner has access to the experience and expertise of its members, expanding the opportunities for strategic and policy advice in support of the technical cooperation provided by OHCHR field presences.

26. On the basis of its findings and experience, the Board is able to provide advice on challenges and opportunities experienced by OHCHR field presences in the area of technical cooperation, on good practices in the implementation of technical cooperation locally, and more generally on the broad lines for the design and implementation of technical cooperation work as an integral part of the programme of the Office.

27. The Board considers therefore that a number of components for effective technical cooperation by OHCHR have become evident. These elements were broadly presented to the Human Rights Council at its twenty-third session. First, effective technical cooperation is based on the universality and indivisibility of all human rights and includes both the protection and the promotion of human rights. Second, effective technical cooperation focuses on building and strengthening national frameworks and institutions for the promotion and protection of human rights. Third, effective technical cooperation reflects national development objectives to ensure the highest levels of ownership and sustainability, as well as to respond to genuine national interest, commitments and efforts in the promotion and protection of human rights. Fourth, technical cooperation is formulated and implemented with the broadest possible participation of all elements of national societies, and is also linked with regional and subregional human rights mechanisms. Fifth, technical cooperation is linked to the follow-up on implementation of the recommendations and concluding observations made by international human rights mechanisms. Sixth, technical cooperation is mainstreamed through all United Nations agencies and operations in each country and region. Seventh, effective technical cooperation requires linking it with existing thematic priorities of the Office and maintaining it as an integral part of the overall OHCHR programme.

28. The Board, through its reports and presentations to the Human Rights Council, has already elaborated on the importance of anchoring technical cooperation on the universality and indivisibility of all human rights, including its protection and promotion aspects. The Board would like to continue as a programme of work for the coming years its elaboration of the main elements of the above-mentioned seven components, as it considers that this could be beneficial to support the Office in the implementation of the technical cooperation aspects of its new four-year programme for the period 2014-2017. In the present report, the Board underscores the critical importance of building and strengthening national frameworks and institutions in the field of human rights through technical cooperation and advisory services with the support of OHCHR, as well as the importance of partnerships with United Nations entities on the ground.

B. Technical cooperation, and building and strengthening national frameworks and institutions

29. The first of the components of effective technical cooperation described above is its basis in the universality and indivisibility of all human rights, and includes both the protection and the promotion of human rights. This is the key objective of technical cooperation: better promotion and protection of human rights. The second component, building and strengthening national frameworks and institutions for the promotion and protection of human rights, is the strategy and methodology for achieving the key objective.

30. The term "national frameworks and institutions" is an inclusive term that incorporates the whole range of mechanisms available to States to fulfil their international human rights obligations. It includes the rule of law, legal and political accountability, democratically elected parliaments, independent courts and independent national human rights institutions, national development institutions, just to mention a few. The strategy employed by effective technical cooperation is directed towards the strengthening of these

mechanisms. The reason for this is found in the nature of OHCHR and of its technical cooperation programme through its field services.

31. The strategy of each field presence, regardless of its nature, must therefore be to ensure that national frameworks and institutions are built in a sustainable manner that will provide the best possible promotion and protection of human rights and that these institutions are able to continue their functions once the technical support provided comes to an end, a reality in view of the limitations of resources and the increasing demands from all regions of the world.

32. Some of these institutions and frameworks are critical for good governance generally, and not only for the promotion and protection of human rights. An independent legal system operating under the rule of law, with qualified judges, due process, transparent decision-making, ascertainable laws and procedures and appropriate judicial avenues for appeal and review of decisions, is essential for the promotion and protection of human rights and also for the proper governance of the State. So too is a political system with a freely elected Government and legislature, with universal franchise and freedom for full participation. Technical cooperation appropriately addresses the strengthening of these systems.

33. Other institutions and frameworks are more specifically directed towards human rights. National human rights institutions are among the most important of these. Technical cooperation needs to be focused explicitly on the establishment and strengthening of national human rights institutions in compliance with the Paris Principles. It needs to engage them collaboratively, as closely as possible. Where a State does not have a national human rights institution in compliance with the Paris Principles, the OHCHR field presence should encourage its establishment, as the Human Rights Council and the General Assembly have constantly reiterated in their resolutions. Where a State has a national human rights institution that is not in full compliance with the Paris Principles or that is weak or less effective than it needs to be, the OHCHR field presence should work closely with the institution, the Government and Parliament to strengthen the institution's capacity. Under no circumstances should the work of an OHCHR field presence replace or duplicate the work of a national human rights institution.

34. National human rights action plans are a framework specifically aimed at better promotion and protection of human rights. Assisting the development and implementation of an effective national human rights action plan should be a core part of technical cooperation. Many States have adopted such action plans, since they were encouraged to do so by the Vienna Declaration and Programme of Action in 1993. However, many of these plans have been inadequate, while many have not been implemented fully or in some cases not at all. OHCHR has become well experienced in working with States to develop good national human rights action plans and subsequently to implement them. Field presences can assist this process by providing international expertise where required and building local capacity.

35. National human rights institutions and national human rights action plans are a good means by which the benefits of the work of an OHCHR field presence can become long lasting. They are products of technical cooperation that address the promotion and protection of human rights on a long-term basis, that reflect the national context and the needs and priorities of the individual State, and that can be domestically sustainable and implementable.

36. Whatever specific approaches are taken, however, the priority strategy for effective technical cooperation must be building and strengthening national institutions and frameworks. Only in this way can the international community that has directly or indirectly provided the technical cooperation ensure that it has a long-term benefit. Only in

this way can the individual State that has sought international assistance acquire the capacity to ensure itself its full compliance with its international human rights obligations. The Board is of the view that newly established thematic priority on widening the democratic space provides a solid framework to support States in these endeavours, and hopes that it would attract necessary resources to be adequately implemented.

C. Synergy and partnerships with other United Nations entities

37. Synergies and partnerships among United Nations agencies and programmes in the area of technical cooperation in the field of human rights is one of the focus areas of attention of the Board during its sessions, in particular during its visits to OHCHR presences in countries.

38. Through discussions with United Nations Resident Coordinators and United Nations agencies and programmes, the Board has had the opportunity to study the extent to which the programme, priority focus and activities of a particular office are also in line with or respond to the main human rights issues and the demands from a variety of country partners, and how they relate and are linked to the United Nations development framework, other programming tools and joint United Nations development efforts on the ground.

39. In Mexico, as in the case of previous visits, the Board met with the United Nations Resident Coordinator and representatives from the United Nations Children's Fund and the International Organization for Migration. During the discussions, the role of the Office in ensuring human rights mainstreaming across the work of the United Nations country teams was particularly stressed, as was the capacity of the Office to provide timely and substantive advice on relevant human rights normative issues. The Office was found to be a reliable and critical partner in joint capacity-building and advisory services, provided by the United Nations at the request of the Government.

40. The Board has observed that, in countries where the presence of the Office is particularly well established through acceptable human resources and expertise as well as the capacity to adequately and independently monitor the human rights complexities on the ground, the technical cooperation programmes developed at the request and in close cooperation with relevant state entities and other United Nations partners are often robust and provide visible and measurable results.

D. Measuring results in technical cooperation and the response of the Office of the High Commissioner

41. Measuring impact at the country level and monitoring programme implementation are becoming less challenging for OHCHR, as all its presences and all Headquarters structures move on to using the online performance monitoring system, which was designed to plan, monitor and report on results for all of OHCHR programming. At November 2013, all OHCHR field presences (including all those presences receiving support from the Voluntary Fund for Technical Cooperation) had submitted all their planning documents (annual and for the programming cycle for the period 2014-2017), as well as their end-of-cycle reports (2012-2013) through the system. Board members were highly encouraged by the impressive results that the increased and systematic use of the system was already achieving, even at the early stages.

42. During the sessions in Geneva and in the field visits, the Board observed how the system, which interlinks planning, monitoring, the production of reports and sharing experiences, represents a paramount tool facilitating enormously and in a very professional manner the definition and selection of the Office's results, as well as their measurement.

During the field visits conducted over the past two years, the Board has been able to test the usefulness of the system in facilitating monitoring of the implementation and performance of technical cooperation projects, adjusting them when needed in real time to changing situations, as well as the results of the latest improvements in the system.

43. The Board commends OHCHR for its efforts during the period under review to continue investing in the system. The upgrades implemented since the previous briefing to the Board, including the financial module, as well as the efforts to ensure full use of the system by Headquarters structures also, were assessed very favourably by the Board. The system is proving a critical contribution for OHCHR to be a fully results-based organization, transparent and accountable to all stakeholders. The Board encourages the United Nations Secretariat to consider the OHCHR tool as a good practice to be taken into consideration when developing results-based management systems.

E. Field reference manual and other guidance tools on technical cooperation

44. As one of the vehicles of OHCHR to fulfil the mandate of the High Commissioner, technical cooperation is an effective means for overcoming in-country knowledge and capacity gaps, and for supporting efforts made by the country to address those gaps. By strengthening its capacity to share experiences and to pay attention to systematically documenting good practices and lessons learned, the Office is increasing its ability to raise its profile in supporting States through technical cooperation, as well as being able to facilitate experience-sharing between States, an increasing demand received by the Board during its recent visits to the field. The Board was briefed during its sessions, both in Geneva and in Mexico, on recent efforts to strengthen knowledge management tools in the area of technical cooperation.

45. OHCHR continued to advance towards the finalization of an OHCHR field reference manual on technical cooperation, aimed at providing guidance to its field presences and staff on the approach of OHCHR to technical cooperation and to ensure access, in a single document, to OHCHR policies, practices and procedures relating to technical cooperation. OHCHR is currently revising its contents and making the necessary adjustments in view of the new programming cycle 2014-2017, the upgrades in the performance monitoring system and other relevant internal tools.

46. The Board particularly welcomed the efforts of the Office to strengthen the tools for access to information, policies and guidance and sharing of experiences by human rights advisers to United Nations Resident Coordinators and United Nations country teams. Human rights advisers have proven to be an effective means to ensure the integration of human rights into the programmes and activities of the United Nations teams on the ground and to strengthen their human rights capacities. Through this in-country support, the United Nations certainly increases its capacity to ensure optimization of the use of resources on the ground for increased coordinated work in the area of human rights, including on technical cooperation and advisory services efforts with the States interested and concerned. OHCHR, in close cooperation with the Development Operations Coordination Office, has developed an internal Internet-based tool that is easily accessible to all human rights advisers, and includes a sharing point that allows them to learn and share experiences, ideas and approaches being used across regions. The Board had the opportunity to observe how human rights advisers receiving financial support from the Voluntary Fund for Technical Cooperation in 2013 were making active use of this tool.

47. The Board encourages OHCHR to continue to develop this type of initiative for all types of field presences receiving support from the Voluntary Fund for Technical

Cooperation, as well as to complete and to keep the manual on technical cooperation regularly updated.

IV. Status of funding and donors

48. The Board was updated at its meetings in November 2013 and February 2014 on the overall financial status of OHCHR and its donors, the 2013 financial situation of the Voluntary Fund for Technical Cooperation in the Field of Human Rights and its functioning in the overall funding system, including interlinkages with other extrabudgetary resources, as well as the funding projections and proposed work plan for the Fund for 2014. Expenditures under the Fund had again been increasing throughout 2013 without being matched by financial contributions, a situation that the Board had already brought to the attention of the Human Rights Council in recent reports.

49. In 2013, the Voluntary Fund for Technical Cooperation continued to provide resources ($20.3 million) for technical cooperation to build strong human rights frameworks at the national level in 34 regions, countries and territories. This included support for 16 human rights advisers (in Chad, Ecuador, Honduras, Kenya, Madagascar, Maldives, the Niger, Papua New Guinea, Paraguay, the Republic of Moldova, the Russian Federation, Rwanda, Sri Lanka, Timor-Leste, South Caucasus (Georgia) and Ukraine), 11 human rights components of peace missions (in Afghanistan, the Central African Republic, Côte d'Ivoire, Darfur (Sudan), Guinea-Bissau, Haiti, Liberia, Libya, Sierra Leone, Somalia and South Sudan) and six country/stand-alone offices (in Bolivia (Plurinational State of), Kosovo,[2] Mauritania, Mexico, State of Palestine and Togo). In 2013, the Fund received $7 million in earmarked contributions. OHCHR therefore allocated $11.9 million from unearmarked resources to cover the expenditures made under the Fund. Details of contributions and programmes are provided in the annual report of OHCHR for 2013.

50. The activities conducted under the Fund have resulted in efforts made at the country level to incorporate international human rights standards into national laws, policies and practices; the establishment of more sustainable national capacities to adhere to these standards; strengthened administration of justice; greater emphasis on the development of human rights education programmes and increased capacities with regard to gender equality and women's rights; the establishment of responsive national human rights institutions; the strengthening of the human rights capacity of United Nations Resident Coordinators and United Nations country teams through the deployment of human rights advisers; and the development of national plans of action for the promotion and protection of human rights and on the use of human rights indicators. Detailed information on income and expenditure under the Voluntary Fund is annexed to the present report.

51. In its sessions and meetings with OHCHR and Member States, the Board underlined the importance of ensuring continuous contributions to the Fund, and reiterates its view that an increase in unearmarked funds will allow OHCHR to be more flexible in implementing identified priorities.

[2] All references to Kosovo are to be construed in the context of Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

Annex I

[English only]

Voluntary Fund cost plan and expenditures: 2012

OHCHR EXTRABUDGETARY RESOURCES *(31 December 2012)*

Voluntary Fund for Technical Cooperation - Status of cost plan and expenditure for 2012

Fund Project Number	V. F. for Technical Cooperation (AHA)	Cost plan 2012 (USD)			Expenditure
	Field Operations & Technical Cooperation Division	Staff costs	Activities	Total	Total USD $
	(a) Human Rights Advisers in UNCT (19):				
	Activities implemented by OHCHR HRAs to the UNCT in:				
B-414	Russian Federation	604,093	580,831	1,184,924	1,138,682
B-409	South Caucasus, Georgia	606,492	395,785	1,002,277	986,866
B-504	Moldova	227,736	93,691	321,427	319,295
B-541	Ukraine	198,570	36,160	234,730	234,773
B-540	Yemen	175,436	66,130	241,566	223,351
B-435	Zimbabwe	124,094	89,438	213,532	190,223
B-441	Rwanda	292,609	119,587	412,196	397,313
B-538	Great Lakes (Burundi)	25,928	190,328	216,256	208,003
B-488	Kenya	411,557	579,261	990,818	972,490
B-503	Niger	351,613	101,419	453,032	507,786
B-584	Chad	361,356	125,508	486,864	473,551
B-539	Madagascar	237,407	127,031	364,438	364,493
B-436	Ecuador	376,020	218,509	594,529	581,999
B-551	Paraguay	450,030	240,922	690,952	681,157
B-552	Honduras	-	31,075	31,075	28,632
B-502	Papua New Guinea	325,616	171,534	497,150	478,780
B-439	Sri Lanka	242,642	213,686	456,328	425,791
B-630	Maldives	107,633	78,247	185,880	120,311
B-617	Malawi	110,919	58,299	169,218	-
	sub-total HR Advisers:	*5,229,751*	*3,517,441*	*8,747,192*	*8,333,496*
	(b) Human Rights Components of UN Peace Missions (11)				
	Activities implemented by UN Peace Missions Human Rights Units in:				
B-443	Haiti	-	220,544	220,544	229,645
B-421	Afghanistan	641,913	300,314	942,227	863,495
B-642	Afghanistan / Afghan people dialogue on Peace (Belgium)	-	16,950	16,950	16,950
B-440	Timor Leste	-	630,635	630,635	583,297
B-442	Côte d'Ivoire	-	221,013	221,013	221,013
B-444	Liberia	-	73,473	73,473	73,473
B-431	Sierra Leone	247,667	215,717	463,384	463,384
B-451	Somalia	498,720	200,540	699,260	567,935
B-613	Somalia (activities funded by Austria/ADA)	124,106	371,598	495,704	449,800
B-478	Darfur, Sudan (activities funded by Switzerland/)	57,569	203,246	260,815	122,271
B-445	Sudan	-	427,592	427,592	409,921
B-582	Guinea Bissau	-	114,130	114,130	114,130
B-583	Central African Republic	-	31,778	31,778	9,178
B-611	Libya	-	225,316	225,316	159,672
	sub-total Peace Missions:	*1,569,975*	*3,252,846*	*4,822,821*	*4,284,163*
	(c) Country/Standalone Offices (6)				
B-505	Mauritania	729,701	655,906	1,385,607	1,375,078
B-418	Togo	776,583	716,962	1,493,545	1,492,158
B-404	Occupied Palestinian Territory (standalone office)	2,609,501	819,040	3,428,541	3,343,422
B-419	Bolivia	1,069,681	526,092	1,595,773	1,577,769
B-401	Mexico	1,958,715	820,568	2,779,283	2,771,838
B-420	Kosovo (standalone office)	800,344	201,097	1,001,441	977,464
	sub-total Country /Standalone Offices:	*7,944,525*	*3,739,665*	*11,684,190*	*11,537,729*
	Other adjustments				*16,313*
	Sub-Total	14,744,251	10,509,952	25,254,203	24,171,701
	Total (including 13% PSC)	25,254,203			96%

Annex II

[English only]

Voluntary Fund cost plan and expenditures: 2013

OHCHR EXTRABUDGETARY RESOURCES *(31 December 2013)*

Voluntary Fund for Technical Cooperation - Status of cost plan and expenditure for 2013

IMIS	V. F. for Technical Cooperation (AHA)		Cost plan 2013 (USD)			Expenditure
Project Number	Field Operations & Technical Cooperation Division	Number of staff	Staff costs	Activities	Total	Total USD $
	(a) Human Rights Advisers in UNCT (17):					
	- Activities implemented by OHCHR HRAs to the UNCT in:					
B-414	- Russian Federation	6	572,379	713,742	**1,286,121**	**1,056,853**
B-409	- South Caucasus, Georgia	7	592,277	305,899	**898,176**	**711,233**
B-504	- Moldova	2	244,000	109,418	**353,418**	**347,564**
B-541	- Ukraine	1	199,410	37,167	**236,577**	**225,636**
B-441	- Rwanda	1	534,634	112,023	**646,657**	**538,437**
B-488	- Kenya	5	444,927	395,585	**840,512**	**817,483**
B-503	- Niger	2	362,940	68,199	**431,139**	**390,006**
B-584	- Chad	3	359,921	128,874	**488,795**	**308,655**
B-539	- Madagascar	3	240,586	124,849	**365,435**	**320,084**
B-436	- Ecuador	3	375,340	205,262	**580,602**	**531,583**
B-531	- Paraguay	4	526,927	231,808	**758,735**	**724,483**
B-532	- Honduras (co-sharing with UNDP)	3		222,244	**222,244**	**219,158**
B-502	- Papua New Guinea	3	405,510	156,550	**562,060**	**227,132**
B-439	- Sri Lanka	3	249,179	197,480	**446,659**	**389,120**
B-630	- Maldives	1	33,258	86,835	**120,093**	**45,082**
B-652	- Timor Leste	3	83,939	231,479	**315,418**	**188,699**
B-617	- Malawi	1	105,373	75,484	**180,857**	
	sub-total HR Advisers:	***51***	***5,330,600***	***3,402,898***	***8,733,498***	***7,041,208***
	(b) Human Rights Components of UN Peace Missions (10)					
	- Activities implemented by UN Peace Missions Human Rights Units in:					
B-443	- Haiti		-	140,678	**140,678**	**113,594**
B-421	- Afghanistan	2	167,083	285,719	**452,802**	**430,288**
B-642	- Afghanistan / Afghan people dialogue on Peace (Belgium)			170,147	**170,147**	**170,000**
B-442	- Côte d'Ivoire		-	166,110	**166,110**	**125,897**
B-444	- Liberia		-	101,361	**101,361**	**100,965**
B-431	- Sierra Leone	11	393,446	303,551	**696,997**	**692,264**
B-451	- Somalia	4	379,497	133,538	**513,035**	**494,531**
B-613	- Somalia (activities funded by Austria/ADA)	2	127,191	29,154	**156,345**	**99,178**
B-478	- Darfur, Sudan (activities funded by Switzerland)		-	28,250	**28,250**	**11,009**
B-445	- South Sudan		-	484,092	**484,092**	**457,004**
B-582	- Guinea Bissau		-	70,625	**70,625**	**58,472**
B-583	- Central African Republic		-	31,778	**31,778**	**22,600**
B-611	- Libya		-	191,377	**191,377**	**31,022**
	sub-total Peace Missions:	***19***	***1,067,217***	***2,136,380***	***3,203,597***	***2,806,825***
	(c) Country/Standalone Offices (6)					
B-505	- Mauritania	9	780,631	535,413	**1,316,044**	**1,225,894**
B-418	- Togo	10	916,294	581,376	**1,497,670**	**1,452,893**
B-404	- State of Palestine	22	2,287,903	729,623	**3,017,526**	**2,933,957**
B-633	- East Jerusalem, public information and legal analysis (funded by Switzerland)	4	542,400	94,242	**636,642**	**231,057**
B-419	- Bolivia	11	1,022,563	260,751	**1,283,314**	**1,213,672**
B-627	- Bolivia – Addressing socio-political conflict project (EU funding)	0	-	504,270	**504,270**	**413,030**
B-401	- Mexico	24	2,006,742	413,778	**2,420,520**	**2,345,679**
B-420	- Kosovo (standalone office)	9	758,169	113,974	**872,143**	**733,423**
	sub-total Country /Standalone Offices:	***89***	***8,314,702***	***3,233,427***	***11,548,129***	***10,549,605***
	Adjustments related to 2012 projects expenditure/ liquidation of obligations					*(191,018)*
	Sub-Total	**159**	**14,712,519**	**8,772,705**	**23,485,224**	**20,296,620**
	Total (including 13% PSC)		**23,485,224**			**87%**

Annex III

[English only]

Financial status of the Voluntary Fund: 2013

Office of the High Commissioner for Human Rights
United Nations Voluntary Fund
for Technical Cooperation (AHA)

Statement of Income and Expenditure
for the period 1 January - 31 December 2013

	USD $
I. Income	
Voluntary contributions in 2013	18,888,242.00
Miscellaneous and interest income	180,052.52
Total income	**19,068,294.52**
II. Expenditure */	
	USD $
Staff costs	11,588,468.39
Consultants' fees and travel	835,542.79
Travel of representatives	14,287.86
Travel of Staff	643,865.59
Contractual Services	521,983.12
General operating expenses	1,229,863.42
Supplies & Materials	387,934.39
Grants, contributions and seminars	2,760,161.44
Programme Support Costs	2,314,513.42
Total expenditure	**20,296,620.42**
Net excess/(shortfall) of income over expenditures for the period	**(1,228,325.90)**
Opening Balance 1.01.2013	**14,683,315.60**
Miscellaneous adjustments/savings/refunds to donors	**(17,962.00)**
Total fund balance as at 31.12.2013	**13,437,027.70**

**/ Includes disbursements and obligations*

Estimated amount available for 2014	**10,497,677.00**
PSC (13%)	1,364,698.00
Operating reserve (15%)	1,574,652.00
Total funds available (with PSC & Op. reserve)	13,437,027.00

Annex IV

[English only]

List of donors and contributors

Voluntary Fund for Technical Cooperation (VFTC)

Voluntary contributions in 2013* (as at 31 December)

Donor	US$
Australia	285,450
Belgium	99,470
Denmark (unearmarked allocation by OHCHR)	1,227,521
European Union (unearmarked allocation by OHCHR)	2,519,894
European Union (Strengthening the Judiciary in Bolivia)	537,309
Finland	688,741
France	65,445
Germany	589,005
India	99,982
Liechtenstein	44,101
Mexico	32,128
Netherlands (unearmarked allocation by OHCHR)	2,607,552
Norway (unearmarked allocation by OHCHR)	2,442,336
Norway (HRA Maldives & Timor Leste)	162,822
Organisation Internationale de la Francophonie	43,526
Poland	53,833
Russia	300,000
Spain	137,931
Sweden (unearmarked allocation by OHCHR)	3,086,844
Sweden (HRA Kenya)	617,369
Switzerland	1,599,147
Switzerland (HRA Paraguay)	22,500
South Africa	15,088
Thailand	28,000
United Kingdom	101,124
UNDP-Moldova	31,000
USAID-Mexico	277,222
United States of America	1,200,000
TOTAL	18,888,242